

DECISION NOTICE

Application Ref: R/230/19/PL

1 To Addressee

Fuller Associates
10-11 The Parade
Willowhayne Crescent
East Preston
Littlehampton
BN16 1NS

2 Site Address

Springfield House
Springfield Close
Rustington
BN16 2SZ

3 Description of Development

1 No. dwelling and swimming pool (part resubmission following R/91/17/PL & R/204/18/PL).

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Location and Block Plan 181303/10 revA
Ground Floor Plan 181303/01 revA
First Floor Plan 181303/02 Rev A
Second Floor Plan 181303/03 Rev A
Elevations 181303/05 Rev B
Foul Drainage Layout 1772/F/SK4
Surface Water Drainage Layout 1772/SK13

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Development shall proceed in accordance with the Drainage Details submitted with the application and hereby approved.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM3 of the Arun Local Plan.

- 4 The windows at first and second floor level in east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of the Arun Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the East elevation or roof of the dwelling hereby permitted which adjoins the side boundary with The Spires without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 6 Hours of operation of the machinery associated with the use of the pool shall be limited to between 08:00 and 20:00 hours daily.

Reason: In order to protect the residential amenities of adjoining properties in accordance with policies D DM1 and QE DM1 of Arun Local Plan.

- 7 The development shall proceed in accordance with the submitted badger survey submitted with application R/91/17/PL.

Reason: In the interests of animals/reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan

- 8 Before any works to create the pool or alter approved surfacing on the north side of the amended dwelling hereby approved take place, a Site Meeting shall take place between the Planning Authority's Tree Officer and the Arboricultural Expert or Site Manager representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Arbortrack Systems Ltd., Rev C, Sept 2019.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area and to ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, Arbortrack Systems Ltd, ref. jwmb/rpt1/springfieldhouse/AIAAMS, 27th September 2019.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must

be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area and to ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 10 Any tree pruning considered essential by the project arboriculturist must meet the requirements of BS3998:2010 Tree work -Recommendations:

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and they can continue to enhance the landscape and amenity of the area and to ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 11 The development shall proceed in accordance with the Planting Plan, Landscape Scheme approved under R/204/18/PL. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM 1 of the Arun Local Plan.

- 12 The development shall proceed in accordance with the submitted Construction Management Plan 181303/01 which shall be adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy D DM1 of Arun Local Plan.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at

least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed off-street parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. The applicant is advised that 1 active and 4 passive EV parking spaces would be anticipated for this development and should be provided in accordance with the above WSCC guidance and Arun Local Plan Policy.

INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on (01903) 737555



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner
Decision Issued: **14th January 2020**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).